

**CERTIFIED FOR PARTIAL PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

SCOTT EMERSON FELIX,

Defendant and Appellant.

A115717

(City & County of San Francisco  
Super. Ct. No. 109100)

ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on December 16, 2008, be modified as follows:

1. Footnote 2 on page 5 becomes part of footnote 1 on page 2 immediately following the first paragraph of footnote 1. All subsequent footnotes are renumbered.
2. On page 20, a new footnote 12 is added in the first paragraph, following the last sentence as follows:

An SVP is defined as “a person who has been convicted of a sexually violent offense against two or more victims and who has a diagnosed mental disorder that makes the person *a danger to the health and safety of others* in that it is likely that he or she will engage in sexually violent criminal behavior.”<sup>12</sup> (§ 6600, subd. (a)(1), italics added; Stats. 2006, ch. 337, § 53; see also Prop. 83, as approved by voters, Gen. Elec. (Nov. 7, 2006) § 24.)

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<sup>12</sup> Proposition 83 changed the language of this subdivision to require a conviction of a sexually violent offense against “one or more victims” rather than “two or more victims.” (Prop. 83, as approved by voters, Gen. Elec. (Nov. 7, 2006) § 24.) That change is not relevant here.

3. On page 21, first paragraph, last sentence, the word Petitioner is changed to Felix.

There is no change in the judgment.

Filed 1/6/09

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ORDER CERTIFYNG FOR PUBLICATION  
PART III

THE COURT:

On December 29, 2008, Attorney General Edmund G. Brown Jr. requested that part III of the opinion that was filed herein on December 16, 2008, that was certified for partial publication in the Official Reports be published. For good cause it now appears that part III of the opinion should be published in the Official Reports and it is so ordered.